



INTERIOR BOARD OF INDIAN APPEALS

Bruce W. Gambill and Cecil Drummond v. Acting Deputy Assistant Secretary -
Indian Affairs (Operations)

9 IBIA 195 (03/12/1982)



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
4015 WILSON BOULEVARD
ARLINGTON, VA 22203

BRUCE W. GAMBILL AND
CECIL DRUMMOND

v.

ACTING DEPUTY ASSISTANT
SECRETARY--INDIAN AFFAIRS
(OPERATIONS)

: Order of Dismissal
:
:
:
: Docket No. IBIA 81-45-A
:
:
: March 12, 1982

On March 5, 1982, appellants filed with the Board a document captioned "dismissal with prejudice" which purportedly dismissed this case on the basis of a settlement agreement. Because it is the exclusive prerogative of the Board, and not the parties, to dismiss cases before it, this document will be treated as a joint motion for dismissal.

Appellants had sought assignment of an Osage Indian headright interest to them as attorneys' fees for representation of Naomi Wagoshe, the non-Indian widow of Osage Indian Russell Wagoshe, during the probate of Mr. Wagoshe's estate. The settlement reached entitles appellants to cash payments from income of the headright and is signed by appellants, Naomi Wagoshe, and the Superintendent of the Osage Indian Agency, Bureau of Indian Affairs. On March 12, 1982, Departmental counsel signed the agreement for the Deputy Assistant Secretary--Indian Affairs (Operations).

Based upon the representation that the settlement is acceptable to all parties, the appeal is dismissed with prejudice.

This decision is final for the Department.

//original signed

Wm. Philip Horton
Chief Administrative Judge

//original signed

Franklin D. Arness
Administrative Judge